

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
WAYCROSS DIVISION

FILED
U.S. DISTRICT COURT
WAYCROSS, GA.

2011 MAY 27 AM 8:50

CLERK J. Taylor
SO. DIST. OF GA.

DON ROBERT FAIRCLOTH,

Plaintiff,

v.

BRIAN OWENS, Commissioner;
DARYL HART, Warden; and
Dr. THOMAS "TOM" FERRELL,

Defendants.

CIVIL ACTION NO.: CV511-016

ORDER

After an independent and *de novo* review of the record, the undersigned concurs with the Magistrate Judge's Report and Recommendation, to which Objections have been filed. In his Objections, Plaintiff states that Defendants Owens and Hart should not be dismissed as defendants because they exhibited deliberate indifference to his medical needs.

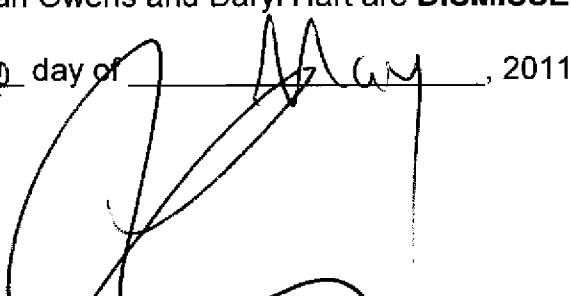
Supervisory officials cannot be held liable under § 1983 on the basis of respondeat superior or vicarious liability. Cottone v. Jenne, 326 F.3d 1352, 1360 (11th Cir. 2003). Supervisors can, however, be held liable for their subordinates' constitutional violations on the basis of supervisory liability. Mathews v. Crosby, 480 F.3d 1265, 1270 (11th Cir. 2007). Supervisory liability occurs when the supervisor personally participates in the alleged constitutional violation or when there is a causal connection between the actions of the supervising official and the alleged constitutional deprivation. Brown v. Crawford, 906 F.2d 667, 671 (11th Cir. 1990). An inmate can

establish the necessary causal connection by alleging that "a history of widespread abuse put[] the responsible supervisor on notice of the need to correct the alleged deprivation, and he or she fail[ed] to do so." Mathews, 480 F.3d at 1270. "The deprivations that constitute widespread abuse sufficient to notify the supervising official must be obvious, flagrant, rampant and of continued duration, rather than isolated occurrences." Brown, 906 F.2d at 671.

Plaintiff makes no claims that Defendants Owens and Hart had notice of a history of widespread abuse. Plaintiff fails to make any specific factual allegations against Defendants Owens and Hart indicating that they violated his constitutional rights. He simply states that they "showed deliberate indifference." (Doc. No. 25, p. 3).

Plaintiff's Objections are without merit and are **OVERRULED**. The Report and Recommendation of the Magistrate Judge is adopted as the opinion of the Court. Plaintiff's claims against Defendants Brian Owens and Daryl Hart are **DISMISSED**.

SO ORDERED, this 26 day of May, 2011.



LISA GODBEY WOOD, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA